

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>GEORGE J. MARCUS,</b>	)	
	)	
<b>PLAINTIFF</b>	)	
	)	
<b>v.</b>	)	<b>CIVIL No. 2:18-cv-253-DBH</b>
	)	
<b>ALLIED WORLD INSURANCE</b>	)	
<b>COMPANY,</b>	)	
	)	
<b>DEFENDANT</b>	)	

**REPORT OF PRE-FILING CONFERENCE UNDER LOCAL RULE 56**

A Local Rule 56(h) pre-filing conference was held on October 22, 2018.

The plaintiff asserts two Counts in his Complaint against his insurance company, challenging its refusal to defend him in a civil suit brought by the Securities and Exchange Commission (SEC). Both parties request summary judgment without discovery on Count I, the duty-to-defend claim, because the insurance policy and the Complaint in the underlying lawsuit are all that is required for deciding the duty to defend question under Maine law. The insurance company also seeks summary judgment on Count II, an unfair claims and claims settlement practices claim. At the conference, I ruled that both parties could amend their pleadings to encompass a second class-action lawsuit recently brought against the plaintiff, without filing motions to amend, thereby mooting the defendant's motion (ECF No. 17). On the defendant's motion for summary judgment on Count II, I will consider any argument the plaintiff makes

under Fed. R. Civ. P. 56(d) that he needs discovery before I can rule on that claim.

I endorse the following schedule that was agreed to by the parties:

By October 31, 2018, the plaintiff shall file his amended complaint.

By November 14, 2018, the defendant shall file its amended answer and counterclaims.

We neglected to discuss the deadline for an answer to the counterclaims, but I now set it as November 28, 2018, to be consistent with the rest of the deadlines.

By December 3, 2018, the plaintiff shall file his motion for summary judgment in no more than 25 pages.

By December 21, 2018, the defendant shall file its response to the plaintiff's motion and its own cross-motion in no more than 35 pages.

By January 25, 2019, the plaintiff shall file his reply on his motion and his response to the defendant's cross-motion in no more than 20 pages.

By February 8, 2019, the defendant shall file its reply on its motion in no more than 10 pages.

**SO ORDERED.**

**DATED THIS 22<sup>ND</sup> DAY OF OCTOBER, 2018**

/s/D. BROCK HORNBY  
**D. BROCK HORNBY**  
**UNITED STATES DISTRICT JUDGE**